

Application No. 09/853,197  
Amendment dated November 10, 2004  
Reply to Office Action of August 12, 2004

Docket No. 1232-4714

### REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### Objection

##### SPECIFICATION

The abstract has been objected to as being longer than 150 words and containing the legal phraseology "comprising." The Examiner indicates that the title of the invention is not descriptive. A portion of the specification (i.e., line 21 of page 8) has been objected to as lacking a reference numeral.

The abstract, title and the relevant portion of the specification have been amended as shown above addressing the Examiner's objections.

##### CLAIMS

Claims 2, 5 and 9 have been objected to because of informalities in the claims such as lacking antecedent basis.

Claims 2, 5 and 9 have been amended as shown above addressing the Examiner's objections.

Applicant respectfully requests that these objections be withdrawn.

#### Status of the Claims

Claims 1-17 are pending in this application. Claims 1, 8, 15 and 17 are independent. All of the pending claims stand rejected. By this Amendment, claims 1-5, 7-12, and 14-17 are amended. No new matter has been added by this Amendment.

Application No. 09/853,197  
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Docket No. 1232-4714

**Rejection under 35 U.S.C. §102**

Claims 1-6, 8-13 and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by EP650292A1 to Miyawaki et al. ("Miyawaki").

In rejecting claim 1, the Examiner indicates that Miyawaki discloses each and every element of the claim including the display designating unit and focus evaluating value obtaining device citing the Driving Signal Processing Circuit 110 and AF Evaluation Detecting Circuit 130 as shown in Fig. 8 of Miyawaki. It appears that the Examiner equates the Driving Signal Processing Circuit 110 and AF Evaluation Detecting Circuit 130 with the "display designating unit" and "focus evaluating value obtaining device" of the present invention, respectively.

Miyawaki discloses an image pickup apparatus having specific area selecting means 105 by which auto-focusing can be performed in any one of the desired areas of the displayed image. Applicant notes that a decision whether which one of the areas is determined for auto-focusing is based on the user's visual line. See, for example, col. 10, line 49 - col. 11, line 23 of Miyawaki.

One of the aspects of the present invention as featured in independent claims 1, 8, 15 and 17 is directed to an image sensing apparatus in which the focus evaluating value obtaining device obtains a focus evaluating value from an image signal that corresponds to a part of a region of the displayed image if it is determined in the display designating unit that the sensed image is not displayed by the image display device.

In other words, a determination is made in the display designating unit whether the sensed image is displayed or not. If it is determined that the sensed image is not displayed in the display device, the focus evaluating value is obtained from an image signal that corresponds to a part of the region of the displayed image.

Application No. 09/853,197  
Amendment dated November 10, 2004  
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Docket No. 1232-4714

With this feature of the invention, the image processing burdens at the apparatus are reduced thereby improving shutter reaction speed when the sensed image is not displayed by the image display device. See, for example, lines 5-13 of page 2; and line 10 of page 23 through line 10 of page 24 of the original specification.

Accordingly, each of the Driving Signal Processing Circuit 110 and AF Evaluation Detecting Circuit 130 of Miyawaki, having no such functionalities as discussed above, is different from the "display designating unit" and "focus evaluating value obtaining device" of the present invention, respectively.

Applicant notes that portions of Miyawaki merely states that "a driving signal processing 110 which is arranged to drive the LCD 109 according to the signal outputted from the RGB decoder 108," (col. 12, lines 27-30) and "[t]he picked-up image signal outputted from the image pick up device 101 is supplied to an AF evaluation value detecting circuit 130. A high frequency component of the picked-up image signal which varies within the picked-up image signal according to the state of focus is extracted from the picked-up image signal." (col. 12, lines 24-31)

Nonetheless, independent claims 1, 8, 15 and 17 are amended for further clarification. In particular, amended claim 1 recites among other things "a display designating unit that determines whether or not said image signal is displayed by said image display device while said image sensing apparatus photographs said image signal; and a focus evaluating value obtaining device that obtains a focus evaluating value for adjusting a focus based on said image signal obtained by said image sensor, wherein said focus evaluating value obtaining device obtains said focus evaluating value by reading only a portion of said image sensor when said display

Application No. 09/853,197  
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Docket No. 1232-4714

designating unit determines that said image signal is not displayed by said image display device while said image sensing apparatus photographs said image signal." Independent claims 8 and 17 are amended in a similar way. Support for the amendment may be found, for example, at line 10 of page 23 through line 10 of page 24 of the original specification.

Accordingly, each of claims 1, 8 and 17 is believed neither anticipated by nor rendered obvious in view of Miyawaki for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 8 and 17 under 35 U.S.C. §102(b) is respectfully requested.

**Rejection under 35 U.S.C. §103**

Claims 7 and 14-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Miyawaki.

As discussed above, independent claim 15 distinguishes over Miyawaki. Moreover, Applicant believes that amended claim 15, reciting similar features to claim 1 as discussed above, further distinguishes over Miyawaki.

Accordingly, claim 15 is neither anticipated by nor rendered obvious in view of Miyawaki for at least the similar reasons as discussed above regarding claim 1.

Reconsideration and withdrawal of the rejections of claim 15 under 35 U.S.C. §103(a) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Application No. 09/853,197  
Amendment dated November 10, 2004  
Reply to Office Action of August 12, 2004

Docket No. 1232-4714

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

### AUTHORIZATION

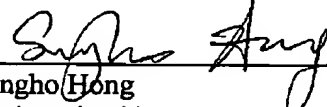
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4714). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: November 10, 2004

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